the defendants who take water by later appropriation, part by a ditch in Wyoming and part by a ditch having its headgate in Montana, but conveying the water to Wyoming before it is used. The stream rises in Montana and flows into Wyoming. The prior appropriation of the plaintiffs is admitted, but the right of those located in Montana to the water appropriated in Wyoming, as well as the jurisdiction of the court over the ditch having its headgate in Montana, are denied. *Held*, that the plaintiffs are entitled to relief. *Willey* v. *Decker* (1903), — Wyo. — 73 Pac. Rep. 210.

There are very few decisions in the books as to the questions arising in regard to interstate streams. The court cites the cases of *Perkins County* v. *Graff*, 114 Fed. Rep. 441, 52 C. C. A. 243; *Howell* v. *Johnson*, 89 Fed. Rep. 556 and *Conant* v. *Deep Creek Co.*, 23 Utah 627, 66 Pac. Rep. 188. None of these involves the same points as the case under discussion, but the general tendency would seem to be towards the rules laid down in this case. In the rapidly extending field of irrigation in the west, questions as to rights of appropriators from interstate streams are sure to arise and the rules here laid down, seemed destined to aid in determining such questions. The court after disposing of the question of riparian rights as inapplicable where the theory of appropriation and diversion obtains, holds that in the absence of statutory provisions, owners of land in Montana may, by joining with owners of land in Wyoming in the construction of a ditch, acquire a legal right, by prior appropriation to water of a stream having its source in that state and flowing thence into Wyoming; and that such rights may be protected in the courts of Wyoming. Moreover, the courts of Wyoming have jurisdiction to restrain a party from diverting water in Montana, carrying it by ditch into Wyoming and there using it, contrary to the rights of a prior appropriator in Wyoming, since the locus of the injury is in Wyoming, where the water is used. The court declines to decide whether it has power to determine the priority of rights of Montana appropriators on this stream, but the case of *Conant* v. *Deep Creek Co.* cited above is authority against such power.

MUNICIPAL CORPORATIONS—RIGHT OF CORPORATOR TO EXAMINE BOOKS. —The city of Memphis was in such bad condition financially that the mayor called a meeting of citizens to consider ways and means of improving the streets. The relator in this case was a citizen and taxpayer and demanded the right to make a thorough examination of the books of the corporation with the aid of an expert in order to ascertain the true financial condition of the city. He was refused by the mayor and brings mandamus to enforce his right. *Held*, that every corporator of a municipal corporation, has a right to examine all records, books and other documents of the corporation on all proper occasions. The enforcement of the right by mandamus lies in the sound discretion of the court. Political hostility on the part of the corporator to the existing administration is not sufficient ground for refusal; neither is the fact that the investigation would require several months and would involve inconvenience and worry to the officers in charge of the books; nor is the fact that subsequent to the commencing of suit, an investigation had been begun by a committee of citizens appointed by the leglislative council in accordance with an ordinance. *State ex rel. Wellford* v. *Williams, Mayor* (1903), — Tenn. — 75 S W. Rep. 948.

That a member of a municipal corporation has a right to inspect its records when he has a private or personal interest in such documents, or in the information to be derived therefrom, is well established. But the doctrine of this case goes much further and extends the right to any citizen, though his interest be no greater than that of any other citizen, and though his purpose be simply to satisfy himself that the officers of the municipality have properly

performed their duties, a function usually exercised by a grand jury. This is a question which has not been frequently before the courts in this country. We have been able to find only one case directly in point, *People ex rel. Henry* v. *Cornell*, 47 Barb. 329 and 32 How. Pr. 149, in which the relator, an attorney for a citizens' committee, claimed the right to examine the contracts and vouchers on file in the office of the street commissioner of New York. The right was sustained by the Supreme Court at special term, but the decision was subsequently reversed at the general term, 35 How. Pr. 31. No opinion was filed, but on the argument the point was strongly made on authority that the relator must show some private and personal interest in order to secure a mandamus. In *Buck* v. *Collins*, 51 Ga. 391; *Webber* v. *Townley*, 43 Mich. 538 and *Bean* v. *People*, 7 Colo. 201, 2 Pac. 909, the right was asserted by parties who sought to make abstracts of the records in the office of the recorder of deeds, but was denied.

GLOVER, MUN. CORP. 262 states the rule: "Every corporator has the right to inspect all records, books and other documents of the corporation upon all proper occasions, and if, upon application, an officer who is interested refuses to show them, the court will grant a mandamus to enforce his rights." An examination of the cases cited in support of this rule, however, shows that a private interest existed in each of them. *Herbert* v. *Ashburner*, 1 Wilson 297; *King* v. *Babb*, 3 Term Rep. 582. In *Rex* v. *Guardians, etc. of Great Farrington*, 9 B. & C. 541, a mandamus was granted to a rated parishioner to inspect the accounts of the expenditure of the parish moneys kept by the guardians of the poor.

PUBLIC POLICY—CHRISTIAN SCIENCE—APPLICATION FOR CHARTER.—The application for a religious corporation charter by a congregation of Christian Scientists was dismissed. *Held*, proper, as the system of healing, a part of the tenets of the sect, was opposed to the policy of the state. *In re First Church of Christ, Scientist* (1903), — Pa. —, 55 Atl. Rep. 536.

The few cases that have involved this form of belief have generally disregarded its purely religious aspect, although its practices might be subject to regulation. *Reynolds* v. *United States* (1878), 98 U. S. 145. So the active practice of Christian Science healing by the wife furnished a valid ground of divorce to the husband, only, however, because it injured his health. *Robinson* v. *Robinson* (1891), 66 N. H. 600, 15 L. R. A. 121. Under the Maine statutes recovery for Christian Science treatment was allowed; it was called a matter of lawful contract between the parties. *Wheeler* v. *Sawyer* (1888), — Me. —, 15 Atl. R. 67. The weight of authority is probably against the recognition and allowance of the medicinal side of the belief. "Mere words of encouragement, prayer for divine assistance, or the teachings of Christian Science . . . does not constitute the practice of medicine in either of its branches, in the statutory or popular sense," and would be prohibited. *State* v. *Mylod* (1898), 20 R. I. 632, 41 L. R. A. 428. The act of Christian Science healing is not performing worship, nor is it practice of medicine and surgery and therefore excluded by implication of the statute, as in *State* v. *Buswell* (1894), 40 Neb. 158, 24 L. R. A. 68; or by the policy of the state, as in the principal case.

SALE—GOODS SHIPPED C. O. D.—WHEN TITLE PASSES—VIOLATION OF LIQUOR LAW.—The city of Carthage, Ill., by ordinance, prohibited the sale, etc., of intoxicating liquors within the city. A resident of the city ordered from a wholesale liquor dealer in Iowa a quantity of such liquors; the dealer in Iowa filled the order by delivering the liquor to an express company consigned to